

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF WYOMING

4 UNITED STATES OF AMERICA, DOCKET NO. 15-CR-057-F
5 Plaintiff,
6 vs.
7 Cheyenne, Wyoming
8 ANDREW LAMBERT SILICANI, July 9, 2015
9 Defendant. 8:41 a.m.

10
11 TRANSCRIPT OF HEARING PROCEEDINGS
12 SENTENCING

13 BEFORE THE HONORABLE NANCY D. FREUDENTHAL
14 CHIEF UNITED STATES DISTRICT JUDGE

15 APPEARANCES:

16 For the Plaintiff: THOMAS A. SZOTT
17 Assistant United States Attorney
DISTRICT OF WYOMING
2120 Capitol Avenue, Suite 4000
P.O. Box 668
Cheyenne, WY 82003-0668
18 For the Defendant: JAMES H. BARRETT
19 Assistant Federal Public Defender
OFFICE OF THE FEDERAL PUBLIC DEFENDER
214 West Lincolnway, Suite 31-A
Cheyenne, WY 82001
20 Court Reporter: JANET DAVIS
Registered Diplomate Reporter
22 Federal Certified Realtime Reporter
Federal Official Court Reporter
23 2120 Capitol Avenue, Room 2226
Cheyenne, WY 82001
24 (307) 635-3884/jbd.davis@gmail.com

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1 (Proceedings commenced 8:41 a.m., July 9, 2015.)

2 COURTROOM DEPUTY: In criminal matter Case
3 No. 15-CR-57-1-F, United States of America versus Andrew
4 Lambert Silicani, set today for sentencing.
5 Counsel, please state your appearances.

6 MR. SZOTT: Thomas Szott for the United States.

7 And I would note, Your Honor, that it appears that
8 Mr. Barrett is not yet here.

9 THE COURT: I thought everyone was here -- he was
10 here. So we will just take a minute until Mr. Barrett arrives.
11 Thank you.

12 (Pause.)

13 MR. SZOTT: Your Honor, I have been informed by
14 Mr. Anderson that Mr. Barrett is about five minutes out. He's
15 on his way over.

16 THE COURT: All right. Thank you.

17 (Pause.)

18 THE COURT: I think we will recess until I'm advised
19 that Mr. Barrett is here. It shouldn't be very long. I just
20 have a record in there that I can be reviewing, and then we
21 will reconvene as soon as defense counsel is here. We will
22 recess until probably about 9:20.

23 (Proceedings recessed 9:09 a.m., July 9, 2015.)

24 (Proceedings reconvened 9:19 a.m., July 9, 2015.)

25 THE COURT: We are here today for sentencing for -- in

1 Docket 15-CR-57, United States of America versus Andrew Lambert
2 Silicani. Counsel is present as is Mr. Silicani.

3 Mr. Barrett, have you had an opportunity to read and
4 discuss with your client the Presentence Report as it was
5 revised, filed in this case?

6 MR. BARRETT: We have, Your Honor.

7 And I do want to apologize for being late, Your Honor,
8 on the record. I had this hearing for 10:30 instead of the
9 earlier time.

10 THE COURT: That's fine. I know I move hearings
11 around, and so I'm sorry if my scheduling or rescheduling
12 caused confusion on your end.

13 Are there any factual issues concerning the report?

14 MR. BARRETT: No, Your Honor. Of course we had
15 reserved the right to address the recommendations made by
16 Probation and the argument that will be made by Mr. Szott.

17 THE COURT: All right. Other than issues relating to
18 departure or variance, are there legal issues or legal
19 objections relevant to the report?

20 MR. BARRETT: No, Your Honor.

21 THE COURT: Thank you.

22 For Government, any factual issues or legal
23 objections?

24 MR. SZOTT: No, Your Honor.

25 THE COURT: All right. I'll accept the Presentence

1 Report as the Court's findings of fact and put the following
2 guideline calculations on the record.

3 We're here for a multi-count indictment. The various
4 counts group in different ways. The first group includes the
5 use of interstate commerce facilities in the commission of
6 murder for hire which are included in Counts 1 and 2. That
7 begins at a base offense level of 37 for that group.

8 The second group deals with use of interstate commerce
9 facilities in the commission of murder for hire. Those counts
10 are Counts 3 and 4. Those counts group under group 2. That
11 also begins at a base offense level of 37.

12 So we have two groups. Those groups result in an
13 enhancement for the number of units. Each group comprises one
14 unit each, and so there are a total of two units. That
15 elevates the defendant's offense level from a 37 to a 39.

16 He does receive a two-level reduction for his timely
17 acceptance of responsibility and a one-level reduction for his
18 assistance in the investigation and prosecution of his conduct,
19 resulting in a total offense level of 36.

20 In terms of countable criminal history points, the
21 defendant has several countable convictions. The first is a
22 2009 conviction at age 17 which is a petty theft conviction out
23 of California. That accrues one point.

24 He has a conspiracy to commit robbery and robbery with
25 bodily injury conviction out of Laramie County District Court

1 in 2011 at age 19. That conviction accrues three points.

2 With a criminal history score of 4, he is further
3 enhanced because he committed this offense while under a
4 criminal justice sentence. More specifically, while he was in
5 prison for the robbery offense, the felony offense that has
6 three countable points, so he has two points added to his score
7 of 4. With a criminal history score of 6, he's placed in
8 Criminal History Category III.

9 At offense level 36, Criminal History Category III,
10 the guideline range is 235 to 293 months.

11 We do, as noted by Mr. Barrett, have a recommendation
12 for upward variance to reflect the seriousness of the
13 defendant's action as well as his history and characteristics.

14 We also have a sentencing memorandum from the
15 Government requesting a sentence consistent with the statutory
16 maximum which would be a 40-year sentence because he's charged
17 with four counts and each count carries a zero to 10-year
18 statutory sentence, and so for four counts, the statutory
19 maximum is zero -- the statutory range is zero to 40 years and
20 the Government requests in its sentencing memorandum a sentence
21 at the statutory maximum.

22 With that recitation of the guidelines and the
23 variance issues that are on the table, are there any objections
24 to the Court's recitation of the guidelines as they stand now?
25 And, again, we're not addressing yet the request for departure

1 or variance.

2 Anything from you, Mr. Barrett?

3 MR. BARRETT: No, Your Honor.

4 THE COURT: Anything from you, Mr. Szott?

5 MR. SZOTT: No, Your Honor.

6 THE COURT: All right. Let's -- I do know that we
7 have -- or I have been advised from the victim coordinator for
8 the U.S. Attorney's Office that there are -- that there are
9 victims present. Perhaps we will get on the record a statement
10 from the U.S. Attorney's Office concerning its efforts on
11 victim notification.

12 Mr. Szott.

13 MR. SZOTT: Thank you, Your Honor. As the Court
14 noted, there are two intended victims of this offense who are
15 victims under the law, and they are both present in court
16 today. Additionally, the defendant's father was also notified,
17 and I would note that he has submitted a letter which was
18 attached as a supporting document to the original Presentence
19 Report.

20 So the two victims of the offense have been notified
21 and are present today and the defendant's father was also
22 apprised of the progress of the case and has submitted a letter
23 to the Court.

24 THE COURT: All right. Thank you. Yes, we do have a
25 letter from James Silicani attached to the Presentence Report

1 discussing Andrew Silicani's history and his sadness in terms
2 of having to write this letter, his sense of lost hope, his
3 efforts to reach out -- although he notes that it has been four
4 years since Andrew has lived with him, his efforts to reach out
5 during time in custody. His statement is that he cannot
6 continue to have a relationship with his son. It's difficult
7 for him to come to this conclusion, maybe his feelings might
8 change over the time, but he -- that's the conclusion he's
9 reached, given the actions and intended actions Andrew Silicani
10 took.

11 Perhaps we'll hear statements on sentencing and then
12 I'll see if any of the victims present wish to make a
13 statement. I'll then allow Mr. Barrett to make his last
14 statement. Following all of those arguments and statements,
15 and then I'll call on Mr. Silicani if he has anything to say.

16 Mr. Barrett, let's start with you in terms of your
17 statement or argument on disposition.

18 MR. BARRETT: Thank you, Your Honor. If it please the
19 Court and Counsel, Your Honor, my position is relatively
20 simple, and I would like to reserve the opportunity, of course,
21 to respond to any argument the Government makes.

22 This is an unusual circumstance in -- with regard to
23 sentence in that I have no objection to a sentence within and
24 at the lower end of the guideline range as computed in this
25 matter, which I believe is sufficient for every purpose stated

1 pursuant to 18 USC 3553(a) and (a)(2). It meets all the
2 criteria. It solves all the issues. It addresses most of the
3 problems which I would address later.

4 Nevertheless, I view the Government's position as
5 overreaching, as being excessive, given the circumstances,
6 being excessive even given the history and characteristics of
7 this defendant.

8 In saying that, I recognize that Probation takes a
9 similar position. I worked with the Government and I worked
10 with probation a lot in this particular case. I don't just
11 disagree, I disagree very much. I believe what their
12 recommendations involve are primarily an emotional rather than
13 a rational reaction and consideration of the conditions set
14 forth under the statute, that it addresses one issue and one
15 issue only and that's a personal -- it can't help but be
16 personal if you're making that recommendation -- personal view
17 of the dangerousness of this defendant and overreaction to
18 protection of the public.

19 So the bottom line is my position is I think the
20 guideline represents an adequate disposition in this matter. I
21 would -- will, of course, be arguing for a sentence toward the
22 end of that guideline. I believe a sentence of 240 months is
23 appropriate in this case.

24 THE COURT: Thank you.

25 For the Government.

1 MR. SZOTT: Thank you, Your Honor. May it please the
2 Court, Counsel. I don't have a whole lot to respond to, of
3 course, Your Honor, since most of Mr. Barrett's arguments
4 haven't been made yet. But to the extent that he's stated his
5 position, I guess I will respond to what he did say.

6 Let me say at the outset, Your Honor, most of the
7 Government's position is set forth in the sentencing memorandum
8 and I won't rehash all of that here. I know the Court has had
9 an opportunity to review that.

10 This is an unusual case. It's, needless to say, an
11 extremely serious case. It is also a case, Your Honor, in
12 which the consequences of what Mr. Silicani intended to do are
13 and I anticipate will be extremely clear to the Court and to
14 everyone because the man and woman that Mr. Silicani intended
15 to kill, the voices he intended to silence forever, fortunately
16 have not been silenced and are here in court and I anticipate
17 will stand before the Court and really emphasize just the
18 horrible -- and how horrible it is to try to end the life of
19 another human being.

20 And again, I recognize that the Court and all the
21 parties are aware of how serious the case is, so I won't
22 belabor the point, but it bears mentioning that this is a
23 unique case in which a murder was intended, attempted,
24 fortunately thwarted, and the consequences of that and just the
25 sheer -- the value of human life will be present in court

1 today.

2 With respect to the defense argument that the
3 Government's position is excessive and is based upon an
4 emotional as opposed to a rational response, in response to
5 that argument, again, Judge, I would refer the Court to not my
6 prediction as to the defendant's proclivity for violence,
7 propensity for violence but what his own history has
8 demonstrated.

9 We're dealing here with a young man, admittedly, but
10 who has shown by his actions that he is a threat to inflict
11 deadly violence on literally anyone he comes into contact with.
12 His 2011 conviction -- convictions stemmed from a strange,
13 unprovoked, random attack on a previously unknown individual
14 that could have resulted in that person's death. And indeed,
15 Mr. Silicani himself admitted he thought he killed this person,
16 a person with whom he had had no prior relationship and for
17 which the only apparent reason was that he had decided to rob
18 someone and apparently decided that he was also going to
19 inflict serious bodily injury and perhaps death on that person.

20 And then in the present case, we have intended victims
21 who were close to him, including his mother, someone who had
22 loved and supported him throughout his life, was continuing to
23 support him and planning to be a part of his life even at the
24 same time he was planning to put an end to hers.

25 So what we have here is a demonstrated willingness,

1 even eagerness to engage in acts of senseless, unprovoked
2 violence.

3 Now, in terms of predicting, then, the dangerousness
4 that Mr. Silicani poses in the future, his history and that
5 attack on a random, previously unknown person is very
6 significant because it suggests that although his motive for
7 killing his mother and stepfather, which was financial --
8 although that motive may no longer exist, the mere fact that
9 that motive no longer exists does not mean that he is not still
10 a deadly danger moving forward, both to people in his family
11 and to potentially unknown, unsuspecting members of the public.

12 This is not an emotional response, Your Honor. This
13 is a response that's based on an analysis of the information
14 that we have before us. It would be -- to ignore his history
15 of violence, to ignore the nature of the threat he poses, to
16 ignore the fact that apparently he has been unable to change
17 his ways, unable to rehabilitate himself -- that would be
18 irrational, Your Honor.

19 The reasonable thing here is to look at the facts and
20 circumstances that are before the Court. And those facts, Your
21 Honor, simply suggest and strongly suggest, in fact demonstrate
22 that we're dealing with a young man who is a very grave danger,
23 not just to his family but to -- to unsuspecting members of the
24 public.

25 Again, Your Honor, the most -- most of the

1 Government's reasoning for this is set forth in the sentencing
2 memorandum so I won't go through all the factors in detail, but
3 as a whole, the factors under 3553(a) justify not only a very
4 serious sentence, but, indeed, a sentence at the statutory
5 maximum.

6 Again, as I stated in the memorandum, the United
7 States appreciates the gravity of standing before the Court and
8 asking the Court to sentence a young man to 40 years in prison.
9 It is a tragedy on many levels, Your Honor. But there are
10 cases, this being one of them, where the only option left in
11 terms of protecting specific people, protecting the public, and
12 also reflecting the seriousness of the offense, the nature of
13 the conduct, is to incapacitate the defendant for as long as
14 possible. This is that case, Judge. And that's why the
15 Government's position is that in view of all the factors under
16 3553(a), but especially the need to protect the public and
17 prevent the defendant from committing further acts of senseless
18 violence that could easily take an innocent life, that a
19 statutory maximum sentence is justified and is necessary in
20 this case.

21 And that's our position, Your Honor. Thank you.

22 THE COURT: Thank you.

23 MR. BARRETT: If I may, Your Honor.

24 THE COURT: Counsel.

25 MR. BARRETT: Like I said, overreaching, focused,

1 angry, emotional. Great argument, good for television. And on
2 TV it might even work. But what he's saying -- what the
3 Government says is because of one event in Mr. Silicani's life,
4 let's focus on that. The assault that Mr. Silicani admitted
5 to, let's focus on calling that the danger because there's
6 another event that's stated in the memorandum that Mr. Silicani
7 admitted to without being charged. Now they say, oh, they've
8 got two of them. These were unprovoked and are basically
9 random if for some reason this Court and other courts never see
10 unprovoked and random crimes and that somewhere out there in
11 the world of legalism there is a rule that says unprovoked,
12 random crimes deserve statutory maximum sentences at a later
13 date.

14 No such thing. What the Government's argument talks
15 about, and Mr. Szott said it, Mr. Silicani's failure to
16 rehabilitate himself -- what an interesting concept -- a
17 criminal's or a charged offender's failure to rehabilitate
18 himself justifies excessive punishment.

19 That's everybody. Everybody that stands before this
20 Court has failed in one way or another to rehabilitate
21 themselves, to make good judgments, to make good choices, so
22 they all deserve maximum statutory penalties. That's just
23 wrong, pure and simple.

24 The Government's argument also in focusing on these
25 particular or current events ignore Mr. Silicani's background.

1 Since age 4 he's had admittedly difficult issues, mental health
2 issues. Age 7 he's committed. His parents recognized the
3 problems he has. I don't use this as an excuse for what's
4 happened in this case, but you can't ignore it. Was Mr.
5 Silicani supposed to rehabilitate himself at age 4 and age 7?
6 Was he supposed to rehabilitate himself when, as part of his
7 offender characteristics, at some point he had an IQ that even
8 his parents admit was a very high IQ that somehow in middle
9 school dropped as much as 50 points?

10 Everybody refers to these things, and nobody does
11 anything about it. Everybody diagnoses Drew Silicani. Nobody
12 does anything about it.

13 Now, I may be overstating that, and perhaps the
14 victims in this case can correct me and I'm sure they will.
15 I'm sure they did everything they could to try and figure out
16 what was going on with Mr. Silicani. I don't have any question
17 they did the best they could.

18 But whatever was going on wasn't dealt with and wasn't
19 dealt with successfully. And how does a 4-year-old, 7-year-old
20 in middle school later on rehabilitate himself? Perhaps he was
21 given counseling. Perhaps he was given the opportunity and
22 that didn't take which would be interpreted as being ignored,
23 but we don't know that either.

24 But it is a characteristic we can't ignore. It is a
25 characteristic, I suppose, that the Government would say makes

1 Mr. Silicani even more dangerous because if he has mental
2 health issues, we should lock him up forever. You know, 40
3 years may not be enough as long as they're here predicting
4 behavior. But what we do know is that Drew Silicani is a
5 volatile individual, has been a volatile individual. And that
6 deserves a look.

7 Do you need 40 years to do that? One of the
8 conditions, one of the circumstances under the statute, is the
9 need for mental health and other medical treatment. Is the
10 sentence here going to provide enough time for that to give the
11 treatment?

12 A 40-year sentence is simply punitive. Nobody makes
13 any argument to the contrary. It is punitive. So do we need
14 40 years in order to give Mr. Silicani sufficient attention
15 medically and mentally while he's incarcerated? No. 240
16 months is plenty to do that. If he's a danger, they can decide
17 it at some other point. But you certainly can't decide it now.
18 And it is just plain wrong to say 40 years is justified in this
19 case.

20 And let me tell you why. Because the Government also,
21 although they cite a single case, and maybe one that -- I think
22 one other case from a different circuit in their memorandum
23 with regard to the kind of playing field we're dealing with
24 here in terms of sentence, they're really kind of ignoring
25 that. They're just addressing that because it has to be

1 addressed.

2 But they're ignoring the fact that even in this
3 district we've had previous murder-for-hire cases, one of which
4 resulted in a 7-year sentence and no state prosecution for any
5 other charges, fairly recently. And the background and facts
6 of that case as cited in the memorandum, the background and the
7 facts of that are this, that the individual who was charged
8 with murder for hire or attempting a murder for hire wanted to
9 murder a peace officer who happened to have been her former
10 husband.

11 She was angry because this officer, Poteet, objected
12 to her having a known sex offender boyfriend in the home with
13 his child. That was bad so she decided to hire somebody to
14 murder him. Now, she didn't have a previous offense. Had she
15 had, I suppose the Government might have asked for more. I
16 don't know. But she got a 7-year sentence.

17 There was another fellow who was out of our
18 office -- and I apologize. I can't pull the name of the case
19 up, but Mr. Szott and Your Honor can check it if you like --
20 who was charged for murder with hire, planned to murder his
21 parents for insurance proceeds and as an adjunct to that plan
22 pushed his wife and young child off a cliff near Green River,
23 Wyoming.

24 In this court, not before Your Honor but in federal
25 court, on the murder for hire, on the murder plot, received a

1 sentence I believe of roughly 10 years. He was subsequently
2 charged with and tried for the murder of his wife and child and
3 received a life sentence in that state case, but on the murder
4 case here -- on the attempted murder received a 10-year
5 sentence.

6 There are two actual murder cases where people killed
7 another human being, one in a drug offense that the sentence is
8 still pending, but agreed; and another where an Indian fellow
9 decided he didn't like what was being said to him so he killed
10 another individual on the reservation by beating him to death
11 with a rock.

12 These people who actually killed someone had received
13 and will be receiving sentences of 25 and 27 years,
14 respectively.

15 Another case that our office represented was a highway
16 patrolman, Joseph Rile. He was accused of plotting the murder
17 of a Wal-Mart truck driver. He was going to murder him and
18 collect the insurance proceeds. That went awry. He was
19 tried -- well, he wasn't tried. He admitted, entered a plea of
20 guilty in this court and received a sentence of 14 years.

21 The differences aren't just slight. The differences
22 are stark. Those differences take into consideration the
23 history and characteristics of these defendants and in some
24 respect, in large respect, the offense itself. It is very
25 difficult to say, given those facts -- and I don't -- I don't

1 believe that Mr. Silicani needs special treatment, but I do
2 think he needs and requires and deserves at least an equal look
3 at the facts and circumstances of his offense as compared to
4 the facts -- to the facts and circumstances of other offenses
5 in this and other courts that have resulted in sentences far,
6 far less than the 40 years recommended in this case. It is
7 simply excessive.

8 Is 40 years sufficient, but not greater than
9 necessary, to punish this offense? It is far greater than
10 necessary. Is a low-end guideline sentence of 235, 240 months
11 sufficient, but not greater, to punish this offense?
12 Sufficient, I suppose it could be argued either way a few years
13 up and down, but I don't intend to do that and I don't propose
14 that to the Court in these particular circumstances. But it
15 certainly fits within and in many cases above the sentences
16 being passed in this and other districts and other circuits for
17 this particular type of offense.

18 This offense has a lot of emotion. I mean, we're
19 dealing with plots to kill parents; the disappointment and the
20 betrayal, the disgrace, all of those things that may be felt by
21 the threatened victims and by the Government on their behalf.

22 We all understand that. We can all -- I don't know if
23 we can all feel it as directly as the -- as the parents do,
24 that disappointment, but that disappointment doesn't justify 40
25 years of a person's life and certainly not on the basis of one

1 or two offenses committed later in that person's life, and
2 certainly not in consideration of the facts that this
3 individual, while not excusing these acts -- and I'm not asking
4 for probation. I'm not asking for 5 years and I'm not saying
5 10 years. I'm not excusing this based on history. He needs a
6 sufficient time in custody to deal with his mental issues, to
7 try and with help rehabilitate himself and to understand that.

8 But not so much that by the time he is rehabilitated
9 it's just warehousing; it's simply leaving him there. And for
10 what purpose? Because it makes everyone feel if not good, at
11 least satisfied that they have maxed out everything they
12 possibly can.

13 Mr. Szott's argued that this is a unique case. As
14 I've demonstrated to the Court, there's nothing unique about
15 this. This is a case with a different set of facts than the
16 ordinary drug cases, assault cases, murder cases, but there's
17 nothing unique about it. This Court deals with these kinds of
18 cases, if not the specific cases, every day.

19 And, Your Honor, what the Government is asking is
20 excessive in the extreme. It is far, far greater than
21 necessary to meet the purposes of sentencing. You can't
22 just -- you have to look at all of those. What the Government
23 suggests is that punitive sentence for as much as you can
24 possibly do. Presumably if there were a life sentence involved
25 in this potentially, but not authorized by the guideline for

1 the zero to life, or even 10 to life, they would be saying give
2 him a life sentence because, well, you know, then we know for
3 sure. Or they might even be generous and say don't give him a
4 life sentence, just give him a 50-year sentence so that he dies
5 in prison, so that he lives the rest of his life with animals,
6 in cages because that's the kind of punishment this offense
7 deserves.

8 It is not. It deserves punishment. It deserves
9 serious punishment. But not the kind of punishment they
10 recommend. And I would urge the Court to enter a sentence in
11 this matter within the guidelines in this case. And, again,
12 what I have in mind now and what I've always had in mind is
13 that a 20-year, or 240-month, sentence was sufficient, but not
14 greater than necessary, in this case. Thank you.

15 THE COURT: Thank you. Let's hear from the witnesses
16 who are -- have advised that they wish to make a statement. I
17 believe the defendant's mother wishes to address the Court. If
18 I'm wrong, though, please advise.

19 If you could state and spell your name, please.

20 MS. LAMBERT: Cheryl K. Lambert, C-h-e-r-y-l
21 L-a-m-b-e-r-t.

22 THE COURT: Welcome, Mrs. Lambert.

23 MS. LAMBERT: Thank you. Your Honor, today is the
24 saddest and most difficult day of my life as I can no longer
25 help my son, Andrew Silicani. I love my son, but I am

1 devastated and sickened by his actions and desire for my death
2 and that of my husband John. I was shocked when the FBI told
3 me that Andrew had attempted a contract of hire on my husband
4 and me. Until that time, I had believed that Andrew and I had
5 a close, loving, mother-son relationship.

6 I've had many sleepless nights with feelings of grief,
7 remorse and fear. I've had bouts of tears at happy events such
8 as my stepdaughter's graduation as I remember the happiness and
9 hope I had for Drew when he graduated. I have sought
10 counseling for my distress from a psychiatrist. My once low
11 blood pressure is now in the hypertensive range, and my family
12 physician believes this is due to the stress of this situation
13 and has placed me on medication.

14 Drew's actions have also impacted -- has had an impact
15 on my family and that of John's. It is difficult for them to
16 understand Andrew's actions and our response. They were also
17 fearful of his erratic behavior. They have concerns for their
18 safety when visiting Cheyenne. Friends have shied away as they
19 are horrified and do not know what to say or what to do.

20 Andrew had been in Cheyenne six weeks when he was
21 arrested, jailed and later sentenced to the Wyoming State
22 Penitentiary.

23 Both my husband, John, and I have concerns regarding
24 Drew's parole and release from prison. I no longer felt that
25 at age 23 Drew would be able to accept the guidance and

1 structure that he needed in order to stay out of trouble, nor
2 did I feel confident that psychiatric assistance would be
3 helpful. For, you see, Andrew has had psychiatric assistance
4 and the assistance of psychologists and behavioralists from the
5 time that he was 3, constantly in treatment, went to a -- we
6 ended up putting him in a private high school in Michigan which
7 would also help him with his behavior.

8 Generally both John and I are fearful of Andrew's
9 behavior. I have amended my life insurance policy to exclude
10 Andrew, and he will not benefit from the proceeds of my estate
11 at all.

12 We have updated our security system in an effort to
13 find peace in our home. John and I are fearful that Andrew
14 will be released during our lifetimes and will again make an
15 attempt on our lives. We are fearful for John's
16 19-year-old-daughter, too.

17 My son, who I love, has the misfortune of a disorder
18 which interferes with his ability to function appropriately in
19 society. I believe Andrew is dangerous. It is my firm belief
20 that he needs to be confined in order to protect my family,
21 myself and others from his potentially harmful actions.

22 Andrew, you are my son and I love you forever. I
23 forgive you, but that doesn't mean that I accept your behavior
24 or trust you. I forgive you for me so I can let go and move
25 forward with my life.

1 Now my real grieving begins as I learn to let go of
2 you, my son, my only child.

3 Your Honor, no parent should fear for their lives at
4 the hands of their child whom they have loved, nurtured and
5 cared for. Thank you.

6 THE COURT: Thank you.

7 Mr. Lambert, I wasn't sure if you wished to make a
8 statement.

9 MR. OTT: John Ott is my name, O-t-t.

10 THE COURT: Oh, I'm sorry.

11 MR. OTT: No, not at this time.

12 THE COURT: All right. Thank you.

13 CHERYL LAMBERT: Thank you.

14 THE COURT: Mr. Barrett, anything further before I
15 call on your client?

16 MR. BARRETT: No, Your Honor. Thank you.

17 THE COURT: All right. Andrew, if you wish to make a
18 statement -- you're not required to, but if you wish to do so,
19 you're certainly invited forward.

20 THE DEFENDANT: Thank you, Your Honor. Your Honor, I
21 would greatly appreciate the opportunity right now to apologize
22 to my mother and stepfather.

23 I'm sorry, sorry for not just this but everything I
24 haven't done. I haven't given you the respect, love and
25 appreciation you so greatly deserve. I haven't been the son

1 you deserve as well. You're the most extraordinary woman I
2 know and I love you very much. I want you both to know -- even
3 if you don't believe me, I still want you to know that I have
4 no intentions of harming either one of you. This was the
5 dumbest mistake I have ever made. I don't want either one of
6 you to feel like you have to watch over your shoulder. I love
7 you both very much even though it doesn't seem like it. So I'm
8 sorry.

9 Your Honor, I made some bad choices in my life, not
10 many, but some worse than others. I have a very lengthy mental
11 health history as well as a substance abuse problem. My family
12 history hasn't been a walk in the park either. Now I'm not
13 saying that any of these problems make this crime any less
14 serious, because that's definitely not the case, but it is
15 something to look at, I think. I'm not perfect, none of us
16 are, and I'm not insinuating that anyone is trying to say that.
17 But I wasn't dealt a very good hand from the start anyways.
18 But there are a lot of people that haven't been -- that have
19 been dealt rough hands and made it in life.

20 Now, with that said, I believe that I have a chance,
21 chance to move forward and move ahead. I made a promise to
22 myself that I'm done with this type of lifestyle. I want
23 better for myself. I finally feel confident that a better life
24 beyond crime and criminal thinking is possible.

25 There's a small amount of hope that is keeping me in

1 good faith. You've gone over my PSI, so I'm sure you see that
2 I have had a lot of issues in my life. The way my childhood
3 went, I had a lot of people saying I wasn't going to make it --
4 teachers, parents and friends. To this day I still do. At
5 this point in my life, this exact moment, I finally don't
6 believe them.

7 So with everything said and done, Your Honor, I ask
8 you one favor, and I know I'm in no position to be asking
9 anyone for favors. But I ask you anyways, please allow me to
10 have the opportunity to have a final chance, one final chance,
11 to prove to everyone that said I wasn't going to make it -- to
12 my friends, to my family, and most importantly to myself --
13 that I can make it, that I can succeed and that I can make
14 something of myself.

15 Please allow me this opportunity. I promise that you
16 will not regret it. I know that whichever way you go I'm
17 looking at some time regardless. I just hope that you see that
18 I'm sincere and that I'm willing to make the changes I need to
19 make. So again, please, please allow me the chance to pull my
20 life around. I promise you won't regret it. Thank you very
21 much for your time and letting me explain my situation.

22 I also wanted to -- I also wanted to say to the
23 prosecution that I understand where you guys are coming from,
24 you know. I don't -- I don't -- I couldn't begin to understand
25 how difficult your job is and, you know, where you guys are

1 having to come from. So I definitely understand and I agree
2 this is a serious case and, you know, punishment should be
3 serious. So I just -- I wanted to put that out there, that I'm
4 not -- I'm not -- I'm not holding any animosity or any kind
5 of -- basically just I'm not, you know, I mean, I -- I get it,
6 I understand, and I thank you for your time.

7 THE COURT: Thank you, Mr. Silicani.

8 Well, in terms of the disposition of this case, this
9 is an unusual case. Every case is different. Mr. Barrett is
10 correct in that. We have different offenders. We have
11 different life histories. Offenders come before the Court at
12 different ages. They have different criminal histories. They
13 have different uncharged conduct, different issues with
14 substance abuse and mental health.

15 This is an unusual case because before me is a young
16 man who has been a difficult person for nearly his entire life.
17 Rarely do we see anyone diagnosed at the age of 4 with a
18 disorder. Mental health providers don't want to call it
19 antisocial at that age because it seems so resistant to change,
20 but that's essentially the oppositional defiant disorder in
21 looser terms, or perhaps more hopeful or aspirational terms,
22 and that is what makes this case quite tragic. To have a young
23 man go through his youth with such oppositional and violent
24 tendencies is very stark.

25 To read about a young man who in 4th grade had a

1 meltdown in school and kicked his teacher in the head is not
2 something I've ever read. And yet your parents continued to
3 work with you with therapy throughout this entire period with
4 limited success. And now we have a young man who on paper
5 appears to be the most -- to have the most troubling diagnosis
6 or symptoms suggesting a very disordered personality. We don't
7 have the benefit of a recent diagnosis, but we have a -- we
8 have someone who makes the choice to -- that violence is the
9 answer for matters that are really even apparently unprovoked.

10 The two stabbings within ten days in January of 2011
11 are chilling by themselves. One was never prosecuted, for
12 whatever reason. And to have -- have the stabbing that landed
13 you in prison, even with an opportunity to have a different
14 outcome through boot camp, that failed, and you ended up in
15 prison. That stabbing was -- really indicated the -- this
16 continuing picture of callous disregard where you stabbed
17 someone so much, hoping to leave them dead, for no clear reason
18 other than perhaps greed and a proclivity towards violence.

19 In short, to see someone as young as you with such an
20 exceptionally callous, greedy, criminal-thinking personality is
21 troubling. And while I appreciate and -- your statements, the
22 history suggests that whatever disorder that you're struggling
23 with, that history suggests that the words ring hollow.

24 You've essentially squandered your life, the
25 opportunities in therapy and now at 23 to take steps to commit

1 or to -- to commit a crime that has such chilling elements is
2 very troubling.

3 Your mother, who stood by you through the entire
4 course of your life, has poured resources into making you the
5 son that she wanted you to be and that you deserved to be, to
6 have this be the outcome is heartbreaking. She not only poured
7 resources in terms of mental health resources, but even while
8 you were in prison sent money and gifts, purchased items for
9 you on demand. And to have this be the mindset that you come
10 away with to plan such a heinous offense, really with no
11 apparent interest in anything other than the greed and
12 receiving money. For what? For a new car? For ten tattoos
13 and drugs?

14 To exchange a life for such juvenile desires is hard
15 to comprehend. And to then express that you really don't care
16 if there's suffering involved is even harder to comprehend.
17 And to make matters worse, as though they could be worse, to
18 talk about taking a similar action against your father, who I
19 understand you've had issues with, but apparently he wasn't
20 first on your list because you didn't know whether he had any
21 resources that would ever come your way. I'm not sure. This
22 to me is impossible, impossible to understand.

23 So, considering the callous disregard that you've held
24 toward other people for -- for such a long time, the potential
25 continuing danger that you present to society, with disordered

1 ways of thinking that are very difficult to change and an
2 approach that appears to lack explanation other than, again, a
3 callous disregard for not just life but for those people that
4 care and love you as you stand here today, and greed is -- are
5 factors that elevate this case beyond just a desire for
6 punishment.

7 I don't sit up here desiring to punish anyone. But
8 you with the -- with your mindset and your nature, your past
9 history, the particular chilling nature of the offense warrants
10 an upward variance, and I'll vary upward four levels and
11 sentence you to 420 months.

12 For the reasons given I will state sentence as
13 follows: Pursuant to the Sentencing Reform Act of 1984 and
14 those factors set forth in 18 USC Section 3553(a), it is the
15 judgment and sentence of the Court that the Defendant Andrew
16 Lambert Silicani is hereby sentenced to a term of 120 months
17 for Count 1, 120 months as to Count 2, 120 months as to Count 3
18 and 60 months as to Count 4, for a total of 420 months,
19 inasmuch as each count is to be served consecutive to one
20 another in the custody of the Bureau of Prisons.

21 Upon release from custody, the defendant shall be
22 placed on supervised release for three years as to counts 1, 2,
23 3 and 4, all counts to be served concurrently.

24 Within 72 hours of release from custody, the defendant
25 shall be -- report in person to the probation office in the

1 district to which he's released.

2 While on supervised release, the defendant shall
3 comply with the mandatory and standard conditions of
4 supervision adopted by this court.

5 In addition, due to the defendant's documented history
6 of substance abuse and mental health issues, special conditions
7 are added to require participation in treatment, testing and
8 absence -- abstinence from mind-altering substances, including
9 alcohol as well as mental health treatment.

10 The following special conditions are imposed. The
11 defendant shall participate in and successfully complete
12 substance abuse treatment in a program approved by the
13 probation office and abide by the rules, requirements and
14 conditions of the treatment program. The defendant shall not
15 discontinue treatment without permission of the probation
16 office.

17 The defendant shall submit to drug and alcohol testing
18 as directed by the U.S. Probation Officer and comply with
19 specific copays imposed pursuant to district policy for failure
20 to comply with drug testing.

21 The defendant shall participate in mental health
22 treatment at a program approved by the U.S. Probation Officer
23 and abide by the rules, requirements and conditions of the
24 treatment program, including proper direction at taking
25 prescribed medications. The defendant shall not discontinue

1 treatment without the permission of the U.S. Probation Officer.

2 As a component of the defendant's treatment and
3 testing program, the defendant shall pay a one-time fee of \$250
4 to partially defray the costs of treatment and/or drug testing.
5 Monetary payments made by the defendant shall be applied to
6 this fee only after all other court-ordered monetary
7 obligations are fulfilled. Payment of the fee shall be by
8 money order or cashier's check, payable to the Clerk of the
9 District Court at the address shown on the payment coupon.
10 This condition is waived if the defendant is supervised by a
11 district other than Wyoming.

12 The defendant shall refrain from any use or possession
13 of alcohol and other intoxicants, including over-the-counter
14 medications used contrary to the recommended dosage or the
15 intentional inhalation of any substance, prescribed or
16 otherwise, without the permission of the U.S. Probation
17 Officer.

18 Additionally, the defendant shall not enter
19 establishments whose primary income is derived from the sale of
20 alcohol.

21 The defendant shall submit his person, residence,
22 storage facility, office or vehicle to a search conducted by a
23 U.S. Probation Officer at a reasonable time and in a reasonable
24 manner upon reasonable suspicion of contraband or evidence of a
25 violation of these conditions. Failure to submit to a search

1 may be grounds for revocation, and the defendant should warn
2 all other occupants that the premises may be searched pursuant
3 to this condition.

4 The defendant shall participate in a cognitive
5 behavioral treatment regimen which may include, but is not
6 limited to, moral reconnection therapy, cognitive thinking,
7 Thinking For A Change or interactive journaling. The
8 defendant shall actively participate in treatment until
9 successfully discharged or until the U.S. Probation Officer has
10 excused the defendant from the treatment regimen.

11 The defendant shall have no contact with the victims,
12 Cheryl Lambert and John Ott, nor any contact with James
13 Silicani or any step-siblings or other step-parents unless
14 initiated by the listed individuals.

15 The Court finds that community restitution is not
16 authorized in this case.

17 The Court finds the defendant does not have the
18 ability to pay a fine in addition to the restitution previously
19 ordered in Laramie County District Court. That restitution
20 amount, for this record, is \$15,196.67. Therefore, a fine is
21 waived.

22 It is ordered the defendant shall pay a special
23 assessment of \$100 per count for a total of \$400 which shall be
24 due immediately. Payments for monetary obligations shall be
25 made payable by the Clerk of the District Court, 2120

1 Capitol -- to the Clerk of the District Court by cashier's
2 check or money order. That address is 2120 Capitol Avenue,
3 Second Floor, Cheyenne, Wyoming, 82001.

4 The defendant shall participate in the Inmate
5 Financial Responsibility Program to pay his financial
6 obligations. The defendant shall pay all financial obligations
7 immediately. Any amount not paid immediately shall be paid
8 through the Inmate Financial Responsibility Program in
9 quarterly installments of not less than \$25 per quarter.

10 Any amount not paid immediately or through the Inmate
11 Financial Responsibility Program shall be paid commencing 60
12 days after the defendant's release from custody in monthly
13 payments of not less than \$25 or 10 percent of the defendant's
14 gross monthly income, whichever is greater.

15 All monetary payments shall be satisfied no later than
16 60 days prior to the expiration of the defendant's term of
17 supervision.

18 The Court recommends the defendant participate in the
19 Residential Drug Abuse Program.

20 The defendant has not waived his right to appeal. As
21 there's no plea agreement in this case, the defendant is
22 reminded that he has only 14 days from the date of entry of
23 judgment to file any Notice of Appeal.

24 Other than reasons previously argued, is there any
25 reason why the sentence should not be imposed as stated? Mr.

1 Barrett.

2 MR. BARRETT: No, Your Honor.

3 THE COURT: For the Government, Mr. Szott.

4 MR. SZOTT: Your Honor, I know the Court stated that
5 the sentence on the various counts should be served
6 consecutively to reach 420 months. He -- Mr. Silicani is
7 currently serving a sentence in state prison and the United
8 States would ask that the sentence in this case be imposed
9 consecutive to the undischarged state sentence if for no other
10 reason that he was in prison at the time he committed this
11 offense, so a consecutive sentence seems appropriate, Judge.
12 And I'm not sure how much of that time will be left and whether
13 he would be shortly paroled to his federal time, but the
14 Government would ask for a consecutive sentence.

15 THE COURT: Yes, there's no reason to run this
16 sentence concurrent with the sentence that's undischarged in --
17 let me get that docket number -- in Docket 30-869, and so this
18 sentence shall be served consecutive to the sentence imposed by
19 Laramie County District Court in Docket 30-869.

20 Any other corrections or additions?

21 MR. SZOTT: No, Your Honor. Thank you.

22 THE COURT: Good luck to you, Drew.

23 THE DEFENDANT: Yeah.

24 THE COURT: We will stand in recess until call.

25 (Proceedings concluded 10:25 a.m., July 9, 2015.)

C E R T I F I C A T E

I, JANET DAVIS, Federal Official Court Reporter for
the United States District Court for the District of Wyoming, a
Registered Diplomat Reporter and Federal Certified Realtime
Reporter, do hereby certify that I reported by machine
shorthand the foregoing proceedings contained herein on the
aforementioned subject on the date herein set forth, and that
the foregoing pages constitute a full, true and correct
transcript.

Dated this 10th day of August, 2015.

/s/ Janet Davis

JANET DAVIS
Registered Diplomat Reporter
Federal Certified Realtime Reporter
United States Court Reporter